



# NEWSLETTER

## Minnesota Board of Physical Therapy

### November 2012

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#### Minnesota Board of Physical Therapy

University Park Plaza  
2829 University Ave SE, # 420  
Minneapolis, MN 55414-3664

Phone: (612)-627-5406  
Fax: (612) 627-5403  
TTY (800) 627-3527

physical.therapy@state.mn.us

#### From the Board President

Hello to all physical therapists and physical therapist assistants,

Another year has gone by so quickly, with many important changes and outcomes. We are providing licensing and regulatory services for over 4500 physical therapists and over 1500 physical therapist assistants. The Board continues to face the complexities of health care reform, public protection issues, exam security threats for new licensee applicants, increased patient needs with increasingly limited resources, continuing competence and the role of health care regulation. The Board will continue to monitor, respond to public needs and protection, and be a resource to licensees and the public.

This past year we had a Sunset Review, where a commission reviewed the Board against specific criteria and it was determined there is a public need for the continuation of the Board. As I mentioned in my last newsletter, the commission looked at mission, goals, objectives, efficiency, effectiveness, response to complaints and the Board's rule making process. This was an important outcome and we will be reviewed again in six years. The staff was outstanding in their preparation and spent an extensive amount of time preparing documents for this review.

The Board worked very hard again this year in all committee functions. The Licensing Committee continues to work diligently to review all applications, and make licensing recommendations to the Board. Licensee education is critical to public protection, and the Continuing Education Committee reviews the annual CE audit submissions and hundreds of continuing education courses. The Complaint Review Committee continues to see an increase in the number and complexity of cases regarding complaints against licensees. The central focus of investigations is public protection through remediation for practitioners when appropriate and discipline when warranted. Complaints are increasing from patients, family members, regulatory agencies, payers, employers and the public. The Administration Committee monitors, modifies and makes recommendations on the budget, all operations and additional functions of the Board.

Continuing Competence efforts will continue to be a major focus for the Board. The Continuing Competence task force has been working on defining continuing education/competence courses and activities. Watch the Board website ([www.physicaltherapy.state.mn.us](http://www.physicaltherapy.state.mn.us)) for information that will be coming related to rule making for continuing education.

There continues to be a lot of discussion and questions regarding the move to fixed date testing for taking the national exam (NPTE) by the Federation of State Boards of Physical Therapy (FSBPT). Due to ongoing security issues, in order to maintain exam validity and integrity, the FSBPT will continue to offer fixed date testing four times in 2013 for both the physical therapists and physical therapist assistants. The Board has worked very hard with applicants, educational programs, licensees and employers to help make the entire process as smooth as possible. Check out the FSBPT website for complete and accurate ongoing information regarding fixed date testing ([www.fsbpt.org](http://www.fsbpt.org)).

I would like to thank the Board staff for their exceptional work this past year in dealing with licensing issues and their support for all Board and committee activities. The Board really appreciates their dedication. I would also like to thank the Board for its commitment, dedication and wisdom in making decisions. This group truly functions as a well organized team of great expertise. Minnesota physical therapists and physical therapist assistants are fortunate to have such a board supporting them.

Finally, the office staff are always available to answer questions, assist with licensing, and provide public protection. Have a wonderful and rewarding 2013!

Regards,

Kathy Fleischaker, PT, President  
Minnesota Board of Physical Therapy

# NEWSLETTER

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## Online services and

### resources at

**www.physicaltherapy.  
state.mn.us**

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**Renew** an annual license online

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**Apply** for an initial license

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Change your **address** (required  
within 30 days of the change)

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**Name change** information

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"Search Licensees" for their **CE  
report due date**, license  
status, issue date, renewal date,  
or disciplinary action

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**License Verification/  
Certification** information

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Update your **phone or email  
address**

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Review **CE requirements**

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Print an application form for  
Category I CE course review

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Print a license application form  
and instructions

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Print a copy of the MN PT  
Practice Act

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View and print all Board  
disciplinary orders

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Print a report or complaint form

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Reference the flow chart of the  
complaint review process

You just received a letter marked "CONFIDENTIAL" from the Board of Physical Therapy and you know it is not time to renew your license. So, what might this be about?

A patient, patient's family member, co-worker, colleague, employee, or insurance company may have filed a complaint against you with the Minnesota Board of PT. While many complaints come from patients, all complainants are asked to complete a "Complaint Registration" or "Report Registration" form along with waivers. The "Authorization to Inform Physical Therapist of Complaint" waiver allows Board staff to forward to you an exact copy of the complaint. The "Records Waiver Authorization" form permits the release of the patient's record from you to the Board.

The Board is responsible for the protection of the public through regulation of licensees, and is obligated by State law to investigate all complaints that allege a violation of the Physical Therapy Statutes or Rules.

Education about professional boundaries supports the Board's mission of public protection. There is no road map for the prevention of boundaries problems. Each individual licensee is responsible for making appropriate professional decisions.

"Professional Boundaries in the Physical Therapist-Patient Rela-

## The Complaint Process

All complaints are carefully reviewed and thoroughly investigated to determine if: first, whether the topic of the complaint is within the Board's jurisdiction as specified by law; and second, whether the facts of the specific situation support any action by the Board in a formal disciplinary proceeding before an Administrative Law Judge or in a court of law.

The most common investigative follow up to a complaint is for the Board to send a "letter of inquiry" to the physical therapist or physical therapist assistant who is the subject of the complaint. The letter may or may not be accompanied by a copy of the complaint. The letter summarizes the alleged violations of the Statute or Rule and asks for your written response. Pursuant to Minnesota Statute 148.75 (a) 21, as a licensed PT/PTA, you are obligated to respond to the inquiry and cooperate with the investigation.

The letter of inquiry commonly requests submission of copies of the patient's complete record and your response to the allegations. Directions are provided as to the

specific information that is to be submitted.

In most instances, your response to the complaint is due back in the Board office within 14 days of the date of the letter. At a monthly meeting, the Board's three-member Complaint Review Committee will review the complaint, your response, and the patient's record.

The Committee may recommend that the complaint be closed, additional investigation be conducted, or that a meeting with you be scheduled. All information relating to complaints submitted to the Board is confidential. The Board will never confirm nor deny whether a complaint has ever been filed against any individual licensee.

During the fiscal year 2011-12 biennium, the Board received 198 complaint and report registrations, and entered into 23 disciplinary orders with licensees.

If you have any questions about complaint processes, a telephone number for Board staff is included within the letter of inquiry.

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## Professional Boundaries

"Professional Boundaries in the Physical Therapist-Patient Relationship" is an article written by John Hung, PhD, LP.

Based on his training, experience, and expertise, Dr. Hung discusses professional boundaries, interpersonal relationships, social and dual roles, physical contact and space, verbal behavior, and ethics. This article is not a presentation of Board policies or guidelines.

Dr. Hung is a clinical psychologist with a consulting and forensics practice.

This January 2006 Newsletter supplement is available from the Board website at [www.physicaltherapy.state.mn.us](http://www.physicaltherapy.state.mn.us) (under the Board tab and the Newsletter heading).

## FAQs

The Board would like to shed some light on the requirements for several common requests.

If you've undergone a legal **Name Change** via marriage, divorce, or otherwise, for the Board to change your name on your license record you're required to submit (1) a certified marriage certificate specifying the name change, (2) a certified divorce or dissolution of marriage decree specifying the name change, or (3) other certified court order specifying the name change. Please contact Board staff if you have a foreign marriage certificate that does not reflect your name change. For info on notarized copies of documents please refer to the "Name Change" link located on our website under "Licensure Infor-

mation". We are unable to accept faxes or other electronic formats, and unable to return the submitted documents. You may **confirm your name change** 1-2 business days after the Board receives your materials via the Board website under "Search Licensees".

A licensee may complete a **Change of Address** on the Board homepage by signing into "Minnesota Online" (the same access point for the online license renewal) and going to "Change Contact Information". Change of address requests may also be emailed to [physical.therapy@state.mn.us](mailto:physical.therapy@state.mn.us) by providing the Board your name, license number, previous mailing address, and new mailing address. Duplicate renewal

cards are only re-issued upon request and accompanied by the notarized forms and \$20 fee (Check or money order payable to MN Board of PT).

**CE Report Due Dates** may be reviewed at anytime at our website under "Licensee Search".

**License Verification** letters may be requested by mailing your request and \$25 fee to the Board. One \$25 fee is required for each recipient. Please include your name, phone number for questions, and mailing address for the recipient where you wish the verification to be sent. The Board anticipates being able to accept requests for license verifications online with a credit card payment in early 2013.

## Continuing Education Requirements for Renewal

You must attest to the completion of 20 hours of CE every 2 years for your license renewal. The CE activities must be completed prior to the submission of the renewal.

The practice act requires a **minimum** of 10 CE hours be completed from the **Category 1** group. These hours can be achieved by attending courses and activities that have been **pre-approved** by the Board. Alternatively, Category 1 hours can be achieved through courses that are **planned, sponsored, or co-sponsored** by an accredited university, APTA or APTA chapters, a state or national medical association, or health association or society, AND that meet **MN Rule 5601.2500 and 5601.0100 subp 9**. An online course may qualify for Category 1 credit if its planned, sponsored, or co-sponsored by a listed entity, or

was pre-approved by the Board.

What about all of the courses that are not pre-approved by the Board and not planned, sponsored, or cosponsored by a listed entity? You are able to attend certain educational presentations and earn credits in **Category 2** if the course meets all of requirements in MN Rule 5601.0100, subp 9, and 5601.2500. It is the responsibility of each licensee to determine if a course meets the credit standards. Licensees may earn a **maximum** of 10 continuing education hours in Category 2 hours. If an online course meets these same conditions, then it may also qualify for Category 2 credit.

**Category 3** allows a **maximum** of 4 CE hours to be obtained through teaching, lectures, and presentations that meet **MN Rule 5601.2500**.

### **MN Rule 5601.0100 Subp. 9 Contact hour.**

"Contact hour" means an instructional session of 60 minutes, excluding coffee breaks, registration, meals with a speaker or without a speaker, and other social activities.

### **MN Rule 5601.2500 CREDIT STANDARDS.**

The board shall grant continuing education credit for any educational activity that meets the standards in items A to E. A. The educational activities must have significant intellectual or practical content dealing primarily with matters directly related to the practice of physical therapy or to the professional responsibility or ethical obligations of the participants.

B. Each person making a presentation shall be qualified by practical or academic experience to teach the subject the person covers.

C. Participants shall attend educational activities in a classroom or other setting suitable for the activity. Video, motion picture, or sound presentations may be used.

D. One hour of credit shall be given for each 60 minutes actually spent on educational activities.

E. Credit shall not be given for entertainment or recreational activities or programs, employment orientation sessions, holding an office or serving as an organizational delegate, individual self-directed study programs, management seminars not directly concerning physical therapy operations, meetings for the purpose of making policy, or noneducational association meetings.

## Mission

*To ensure that Minnesota citizens receive appropriate physical therapy services from competent physical therapists and physical therapist assistants.*

## Vision

*To protect the public through licensure of qualified physical therapists and physical therapist assistants, and to provide timely and impartial resolution of complaints against physical therapists and physical therapist assistants.*



[www.facebook.com/minnesota.board.of.physical.therapy](http://www.facebook.com/minnesota.board.of.physical.therapy)

For the latest news and updates from the Board!

## Board Actions

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**Nicole Pexsa, PT**, Cushing, MN, license 7397, year of birth 1979

*Date of Board Action:* November 17, 2011 *Nature of Misconduct:* Violated an Agreement for Corrective Action, and engaged in unprofessional conduct.

*Action Taken:* Reprimanded by the Board. License conditioned and restricted as follows: she shall have semiannual MN APTA peer reviews of documentation and bills; develop a written plan of action based on any negative peer review findings; and obtain and meet monthly with a mentor/work quality assessor with quarterly reports to the Board.

**Wageed Girgis, PT**, Minneapolis, MN, license 5775, year of birth 1956

*Date of Board Action:* November 17, 2011 *Nature of Misconduct:* Engaged in unprofessional conduct.

*Action Taken:* 2009 Stipulation and Order Amended. He shall have quarterly peer reviews by MN APTA Peer Review including on-site review of practice, documentation, and billing procedures.

**Paulette Olson, PT**, Heron Lake, MN, license 7087, year of birth 1976

*Date of Board Action:* November 17, 2011 *Nature of Misconduct:* Engaged in unprofessional conduct, and was disciplined by another state.

*Action Taken:* Reprimanded by the Board.

**Jolene Swaim, PT**, Cedar, MN license 7442, year of birth 1974

*Date of Board Action:* November 17, 2011 *Nature of Misconduct:* Violated a Board statute, and engaged in unprofessional conduct.

*Action Taken:* Reprimanded by the Board. License conditioned and restricted as follows: she shall successfully complete MN APTA Documentation and Essentials for PT courses; have semi-annual MN APTA peer reviews of documentation, bills, and on-site observation of practice; and submit to a random audit of patient charts by the Board.

**Eric Utes, PT**, Coon Rapids, MN, license 8565, year of birth 1982

*Date of Board Action:* November 17, 2011 *Nature of Misconduct:* On May 10, 2011, Respondent self-reported to the Board that he failed to disclose his complete legal history on his license application. Respondent failed to disclose a 1997 adjudication, which occurred while Respondent was a juvenile.

*Action Taken:* Reprimanded by the Board.

**Melissa Thiry, PT**, St. Paul, MN, license 8043, year of birth 1977

*Date of Board Action:* March 8, 2012 *Nature of Misconduct:* Violated a Board Order and was unable to practice with reasonable skill and safety by reason of illness.

*Action Taken:* Indefinite Suspension, Removal of Stay of Suspension in 2010 Stipulation and Order.

**Stephen Sovada, PT**, Cohasset, MN, license 6444, year of birth 1975

*Date of Board Action:* March 19, 2012 *Nature of Misconduct:* Violated a Board statute, and violated 2010 Board Order.

*Action Taken:* 2010 Order rescinded and license suspended.

**Jennifer Mellem, PT**, St. Paul, MN, license 8156, year of birth 1980

*Date of Board Action:* May 24, 2012 *Nature of Misconduct:* Unable to practice with reasonable skill and safety by reason of illness.

*Action Taken:* License conditioned as follows: she shall enroll in the Health Professionals Services Program (HPSP) and comply with the HPSP Participation Agreement and Monitoring Plan.

**Irene Yarnott, PT**, Monticello, MN, license A802, year of birth 1965

*Date of Board Action:* May 24, 2012 *Nature of Misconduct:* Unable to practice with reasonable skill and safety by reason of illness.

*Action Taken:* License conditioned as follows: she shall enroll in the Health Professionals Services Program (HPSP) and comply with the HPSP Participation Agreement and Monitoring Plan.

**Christopher Fosness, PT**, Mitchell, SD, license 9103, year of birth 1964

*Date of Board Action:* July 19, 2012 *Nature of Misconduct:* Conviction of a crime and engaged in unprofessional conduct.

*Action Taken:* Reprimanded by the Board.

**Sandra Hepp, PT**, Eden Prairie, MN, license 774, year of birth 1947

*Date of Board Action:* July 19, 2012

*Action Taken:* Order of Unconditional License.

**Bevan Presley, PT**, Plymouth, MN, license 1920, year of birth 1948

*Date of Board Action:* July 19, 2012 *Nature of Misconduct:* Violated a Board statute, and engaged in unprofessional conduct.

*Action Taken:* License conditioned and limited as follows: he shall successfully complete an individualized boundaries course to address professional issues, patient management and interaction; he may only practice in a preapproved group setting which must include another PT who works in the same facility during the same shift; and he remains bound by the conditions of the 2007 Order.

**Wayne C. Erickson, PT**, Merrifield, MN, license 4226, year of birth 1958

*Date of Board Action:* September 13, 2012

*Action Taken:* Order of Unconditional License.

**Charles Moulton, PT**, Duluth, MN, license 2308, year of birth 1953

*Date of Board Action:* September 13, 2012 *Nature of Misconduct:* Engaged in unprofessional conduct, inappropriately delegated to a PTA, and inadequately supervised a student PT.

*Action Taken:* License conditioned as follows: he shall successfully complete documentation and Essentials of PT coursework, and submit to and cooperate with MN APTA Peer reviews three times per year to include documentation, billing, on-site observation of practice, and verification of proper supervision of PTAs and SPTs.

All Stipulations and Orders may be reviewed and printed from the Board website under "Complaints and Discipline" at [www.physical.therapy.state.mn.us](http://www.physical.therapy.state.mn.us) or available at cost, upon request to the Board Office.

### 2013 BOARD MEETING DATES

**January 31, March 7, May 16, August 8, September 19, and November 21**

Unless otherwise indicated all meetings will take place at 4:00 PM in 4th Floor, Conference Room A, at University Park Plaza, 2829 University Ave SE, Minneapolis, MN 55414. Please contact the Board office at 612.627.5406 to check for any schedule changes.

This newsletter is available in ALTERNATE FORMATS for individuals with disabilities upon request at 612.627.5406 or [physical.therapy@state.mn.us](mailto:physical.therapy@state.mn.us)